

1           A     Through page 18?

2           Q     I believe so. Yes, that's right.

3           A     I believe so. I couldn't exactly tell you when.

4     But I guess. I believe so.

5           Q     Okay. And if you turn to page 18, there are two

6     signatures there.

7           A     Um-hum.

8           Q     Three signatures. Do you know who Joanne L. Root

9     is?

10          A     Do I know -- yes, ma'am.

11          Q     Is she Thomas L. Root's mother?

12          A     Yes, ma'am.

13          Q     And Thomas F. Root? Do you know who that is?

14          A     Yes, ma'am.

15          Q     And is he Thomas L. Root's father?

16          A     Yes, ma'am.

17          Q     Okay. Now what role do Joanne Root and Thomas F.

18     Root have in the station today? That is what ownership

19     interest do they have? Do you know?

20          A     Specifically no.

21          Q     Are they on the board of directors?

22          A     Joanne is.

23          Q     Are you aware of the fact that there is a transfer

24     application to transfer certain shares from Joanne L. -- I'm

25     sorry, to transfer a number of Petroleum V. Nasby shares to

1 Ginzburg, Feldman & Bress, Chartered?

2 A Yes.

3 Q And Ginzburg, Feldman & Bress is a law firm.

4 A Yes.

5 Q Okay. Now isn't it a fact that the transfer to  
6 Ginzburg, Feldman & Bress is in payment of legal fees,  
7 outstanding legal fees?

8 A I, I believe it is.

9 Q And would, would those legal fees have been incurred  
10 by Thomas L. Root?

11 A Yes, ma'am.

12 Q Do you know who authorized the sale to Ginzburg,  
13 Feldman & Bress?

14 A Not off the top of -- no, ma'am.

15 MS. LADEN: Okay. I believe I have no further  
16 questions, Your Honor. But if I could have a minute to review  
17 my notes.

18 (Pause.)

19 MS. LADEN: I have no further questions.

20 JUDGE LUTON: Redirect.

21 MS. FARHAT: Yes, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. FARHAT:

24 Q Mr. Moore, I believe counsel for the Mass Media  
25 Bureau asked you some questions on the pledge agreement --

1           A     Sorry.

2           Q     Do you, do you know if the legal fees that were  
3 rendered -- let me rephrase the question. Were the services  
4 for which the pledge agreement was to satisfy legal services,  
5 were those legal services incurred by Petroleum V. Nasby?

6           A     No.

7           Q     Do you know whom they were incurred by?

8           A     Believe it was Tom.

9           Q     Tom?

10          A     Thomas L., Thomas L. Root.

11          Q     Okay. If you could speak up --

12          A     I'm sorry, Thomas -- I'm sorry. Thomas L. Root.

13          Q     Okay. To your knowledge, were any of the services  
14 that were rendered related to any matters related to the  
15 station?

16          A     No.

17          Q     Is the station a signatory to this pledge agreement?

18          A     No.

19          Q     The stock that's the subject of the, the pledge  
20 agreement that is to be transferred to Ginzburg, Feldman &  
21 Bress, who, who are the owners of that stock?

22          A     I believe Tom and Joanne.

23          Q     Tom and Joanne Root?

24          A     Root.

25          Q     The stock is not owned by the company?

1           A     No, ma'am.

2                     (Pause.)

3           Q     Who has signed on the checks of Petroleum V. Nasby  
4 Corporation since you've served as acting general manager and  
5 to the present your service as general manager of the station?

6           A     I have signed all the checks.

7           Q     Does Mr. Root currently have signatory authority on  
8 the checking accounts of the station?

9           A     No, ma'am, he does not.

10          Q     Since November 1988, has the station engaged in any  
11 further refinancing?

12          A     Yes, we have.

13          Q     And who has handled that?

14          A     I have.

15          Q     Mr. Root have any involvement in that?

16          A     No, ma'am.

17          Q     And by that I mean Thomas L. Root.

18          A     No, ma'am. I in fact personally guaranteed. The  
19 bank has my personal guarantee on the refinancing of the --

20                     (Pause.)

21          Q     Ms. Laden asked you a question concerning a reminder  
22 from Thomas L. Root of the need to file an annual ownership  
23 report in June 1990. Under what circumstances did that  
24 reminder occur?

25          A     I called him was it May, late May of, of '90 that I

1 received a letter from the FCC that rescinded the station's  
2 license renewal. And that it had previously been, been  
3 renewed in April of '90. Received that. And then the end of  
4 May I received the letter from the FCC stating that the  
5 license renewal had been rescinded which was to say at the  
6 least a bit of a shock to me. And then there was no reason  
7 given in the letter.

8 And so then I contacted Tom. We had no other FCC  
9 counsel at the time. Informing him or asking him if he knew  
10 anything about that as to why. And those were the  
11 circumstances.

12 Q Did you solicit Mr. Root's reminder of the need to  
13 file the annual ownership report --

14 A No.

15 (Pause.)

16 Q In May 1989 I believe you were asked if, if Mr. Root  
17 had attended shareholder and directors' meetings in, in May of  
18 1989. And your response was that he had as far as you recall.

19 A Yeah.

20 Q At that time had Mr. -- in May of 1989, had Mr. --  
21 did you recall the date of the shareholders' meeting?

22 A May the -- no, May the 4th perhaps or 18th. I  
23 honestly can't remember.

24 (Pause.)

25 Q Would May 8th, 1989 sound like the approximate time?

1           A     Sounds -- it sounds like it.

2           Q     In May of 1989, May 8th of 1989, was Mr. Root still  
3 an owner of, of stock in Nasby?

4           A     Yes, ma'am.

5           Q     Was he also an officer and director at that time of  
6 Nasby?

7           A     Yes, ma'am.

8           COURT REPORTER: Sir, you're going to have to try  
9 and keep your voice up.

10          WITNESS: I'm sorry.

11          COURT REPORTER: Thank you.

12          WITNESS: I'm sorry.

13          BY MS. FARHAT:

14          Q     At the -- if you can recall the May 1989 annual  
15 directors' meeting or the annual shareholders' meeting, could  
16 you recall the types of matters that were voted on if any at  
17 those meetings?

18          A     Just the typical president's report, the year in  
19 review kind of report. How we did financially, whatever, new  
20 employees, what direction we're going. Those kinds of things.

21          Q     At the directors' meeting do you recall if there was  
22 any elections of any kind?

23          A     I don't recall. Sorry.

24                 (Pause.)

25          Q     In May 1989, were you president of Nasby?

1 A Yes.

2 Q Who would typically preside over -- who did preside  
3 over the May 1989 directors' meeting or shareholders' meeting?

4 A The president.

5 Q And that would be you.

6 A That would be me.

7 MS. FARHAT: I have no further questions, Your  
8 Honor.

9 JUDGE LUTON: Recross.

10 MS. LADEN: Thank you, Your Honor.

11 RECROSS-EXAMINATION

12 BY MS. LADEN:

13 Q Mr. Moore, that pledge agreement that we've been  
14 talking about at page 6 of Mass Media Bureau Exhibit 12, isn't  
15 it a fact that the stock that was -- the stock of Petroleum V.  
16 Nasby?

17 A Was Petroleum V. Nasby stock?

18 Q Yes.

19 A Was -- yes, ma'am.

20 Q Now you were asked some questions about new  
21 financing. You were asked specifically if you -- if the  
22 station had obtained new, had obtained financing since  
23 November 1988. And you testified I believe that you had  
24 guaranteed, personally guaranteed a loan? Was it a loan?

25 A Yes.

1 Q What was the date of that loan?

2 A Midsummer of '92. July perhaps. Don't have the,  
3 the date, specific date.

4 Q And at that time, was Mr. Root incarcerated?

5 A I don't know specifically what day.

6 Q You -- do you know whether he was incarcerated at  
7 the time when that loan was --

8 A I don't recall. I went to the bank and did some  
9 restructuring. And I, and I signed the notes. And I  
10 personally guaranteed with First National Bank of Shelby.

11 MS. LADEN: I have no further questions, Your Honor.  
12 Thank you, Mr. Moore.

13 JUDGE LUTON: Thank you, Mr. Moore. You may step  
14 down.

15 WITNESS: -- give this to her.

16 JUDGE LUTON: No. Well, you could leave it there.  
17 The next witness.

18 MS. FARHAT: Yes, Your Honor. At this time I would  
19 like to call David L. Williamson.  
20 Whereupon,

21 DAVID L. WILLIAMSON  
22 having been first duly sworn, was called as a witness herein  
23 and was examined and testified as follows:

24 DIRECT EXAMINATION

25 MS. FARHAT: I need to place the witness --

1 BY MS. FARHAT:

2 Q Do you have your testimony in front of you?

3 A Yeah. Um-hum. Yes.

4 Q Mr. Williamson, would you please identify your name  
5 and address for the record?

6 A David L. Williamson, 7683 Boundary Road, New  
7 Washington, Ohio, 44854.

8 Q And do you have in front of you Petroleum V. Nasby  
9 Exhibit No. 2, testimony of David L. Williamson?

10 A Yes.

11 Q Have you reviewed this testimony?

12 A Yes.

13 Q And are there any changes which you, which you  
14 request to make at this time?

15 A No.

16 Q Okay. And the testimony is true and correct to the  
17 best of your knowledge?

18 A Yes.

19 MS. FARHAT: Okay. At this time, Your Honor, I  
20 offer what's been identified as Petroleum V. Nasby Exhibit No.  
21 2 into evidence.

22 JUDGE LUTON: Objections to 2.

23 MS. LADEN: Yes, Your Honor. I object to the  
24 beginning of paragraph 2. Paragraphs 2 and 3, Your Honor, I  
25 believe are irrelevant.

1 JUDGE LUTON: If I remember what I did the first  
2 time around with materials such as that as is contained in 2  
3 is to overrule the objection and permit it to stand as  
4 relevant on question on who the witness is and where he's  
5 been, background.

6 Three it seems to me to be really quite irrelevant.  
7 This isn't biographical background. It seems to be something  
8 else, the relevance of which is not apparent to me.

9 MS. FARHAT: Well, Your Honor, I understand for  
10 purposes of -- on one hand, I have no objection to it being  
11 removed. On the other hand, to the extent it shows that from  
12 the beginning that the station has been and continues to be  
13 controlled by people other than Thomas L. Root I thought it  
14 was important to show that from the, the beginning until now  
15 that the station has been operated without the control of Tom  
16 Root to the extent that it also provided information that I  
17 mean he was one of the principal people who started the local  
18 station. So I mean to that extent, that's why I put it in.  
19 But --

20 JUDGE LUTON: Does this show that the station has  
21 been --

22 MS. FARHAT: Well, the --

23 JUDGE LUTON: -- I mean without Root? It seems to  
24 show Root's involvement really.

25 MS. FARHAT: Well, I have no objection, Your

1 Honor --

2 JUDGE LUTON: To some extent I, I --

3 MS. FARHAT: -- striking.

4 JUDGE LUTON: All right. I'm going to permit the  
5 objection and, and strike paragraph 3. Other objections?

6 MS. LADEN: Your Honor, paragraph 4, I believe you  
7 have already ruled on this objection. But, but I would like  
8 to restate my objection that we believe that the degree of  
9 participation by Thomas L. Root is irrelevant, that you can't  
10 divide a licensee into its individual shareholders, innocent  
11 and guilty. And therefore I would -- I object to paragraph 4  
12 as irrelevant.

13 JUDGE LUTON: This is like some more of paragraph 3  
14 isn't it, Ms. Farhat?

15 MS. FARHAT: Well, Your Honor, it is more in the  
16 line of, of showing from the beginning as I stated that the  
17 getting this, this venture moved forward --

18 JUDGE LUTON: Right. Just as paragraph 3 was  
19 intended to do as well.

20 MS. FARHAT: Well, Your Honor, I think this is a  
21 little bit closer to the actual construction and operation of  
22 the station.

23 Your Honor, I've just heard from Ms. Laden that,  
24 that she thinks that you, that on one hand -- I mean this is  
25 supposed to be character qualifications. And at the same

1 time, it's no matter what Mr. Root did it's somehow tied into  
2 us, and we can't segregate ourselves from it. But that's what  
3 I thought the whole purpose of determining this hearing was.

4 And throughout this entire proceeding, the Bureau  
5 has argued to me the relevance including in the HDO that, of  
6 the potential for control and influence in the station. And  
7 it boggles my mind that, that information that deals with the  
8 construction, operation and management of the station is  
9 deemed irrelevant when it reflects that Mr. Root didn't have  
10 involvement.

11 JUDGE LUTON: Well, I --

12 MS. FARHAT: Or if that's what type of involvement  
13 what it --

14 JUDGE LUTON: I, I --

15 MS. FARHAT: But I don't want to characterize the  
16 record in any particular way. I'm just saying that I, I,  
17 I'm -- I don't know how we can put forward. We're assigned  
18 the burdens of proof in proceedings relative to these matters.  
19 And I just --

20 JUDGE LUTON: All right. No statement is called for  
21 from me. But I do recall having made one in this regard. And  
22 I believe that what I said was that to the extent that Nasby  
23 sought to separate itself from Root or show some sort of  
24 separation I thought that that was fine. I did say that, and  
25 I continue to believe that to be the case. Now if you've got

1 | some dispute with the Bureau, that's what these things are all  
2 | about.

3 | MS. FARHAT: That's fine, Your Honor.

4 | JUDGE LUTON: Objection to 4 is sustained. I  
5 | believe it is relevant. Five, management and operation of the  
6 | station. Well, maybe not 5. I don't know. Does Bureau have  
7 | additional objections?

8 | MS. LADEN: Your Honor, we object to paragraph 5 and  
9 | 6 which -- also 7. Paragraph 8 and paragraph 9. All of  
10 | these, Your Honor, deal with the degree of participation of  
11 | Thomas L. Root, and this is my continuing objection. I  
12 | believe that --

13 | JUDGE LUTON: Root's participation or, or efforts to  
14 | show Root's non-participation in these things.

15 | MS. LADEN: That's, that's correct, Your Honor.

16 | JUDGE LUTON: But I notice on a couple of instances  
17 | these paragraphs reference, reference some participation by  
18 | Root. Example in 7 here, Root's secretary signed some loan  
19 | documents, and in 8 Root's legal counsel was sought with  
20 | respect to an IRS matter. Maybe there are others. I, I don't  
21 | know.

22 | MS. LADEN: Your Honor, our view is that his  
23 | participation or non-participation is --

24 | JUDGE LUTON: Doesn't matter.

25 | MS. LADEN: -- irrelevant.

1 JUDGE LUTON: Okay. Just simply doesn't matter.  
2 Um-hum. Maybe not. But I'm not going to deny Nasby an  
3 opportunity to, to argue that what I expect it will call  
4 Root's non-participation ought to matter. Difficult to see  
5 for me to flush it out in my own mind. But I don't have to do  
6 it. Certainly not now anyhow.

7 Ms. Farhat, it is the effort of Nasby, is it not, to  
8 show, to make a distinction between the operation of the  
9 station, the activities performed in that regard and those  
10 performed by Root? Well, the effort is to show that the  
11 station is run just fine without any or very much  
12 participation of Tom Root. Is that it essentially?

13 MS. FARHAT: Yes, Your Honor.

14 JUDGE LUTON: Um-hum.

15 MS. FARHAT: And, and -- do you want to hear any  
16 more?

17 JUDGE LUTON: Sure. Go ahead.

18 MS. FARHAT: But Your Honor, one of the concerns  
19 that, that has been expressed by the Bureau throughout this  
20 proceeding and I think it forms its weight of the hearing  
21 designation order is that Mr. Root engaged in these activities  
22 at a time period, they want to make it retroactive not to the  
23 date that, not to the date that he extricated, he actually  
24 severed his ties with the, with the licensee. They want to  
25 take it back to a time period that he, at the time when he

1 actually engaged in the misconduct which comes into a time  
2 period that would be on Mr. Williamson's clock so to speak.  
3 And --

4 JUDGE LUTON: I'm sorry. I don't understand that.

5 MS. FARHAT: Okay, well, I guess what I'm trying to  
6 say, Your Honor, is that, that the Bureau's position from my  
7 conversations with them and I think in connection with the,  
8 the hearing designation order --

9 MS. LADEN: Your Honor, if you don't mind I think --  
10 I don't think that Ms. Farhat -- I wasn't a party to those  
11 conversations. I think the Bureau can state its position. I  
12 don't think we should have on the record the Bureau's position  
13 as expressed in conversations with Ms. Farhat.

14 MS. FARHAT: Well, Your Honor, the point -- I can  
15 tie it into the hearing designation order and not talk about  
16 the prior informal conversations I've had with -- and I would  
17 admit I wasn't trying to imply that Ms. Laden was a party to  
18 these conversations. They were engaged in primarily with  
19 Bureau counsel formerly assigned to the case.

20 But the point being, Your Honor, TV 9 is cited here  
21 as, for the proposition in the hearing designation order that  
22 the fact that Root resigned as an officer and director prior  
23 to his actual convictions doesn't moot their significance as  
24 they impact on Nasby's qualifications. I don't believe that  
25 that's what the case stands for, but I will make my arguments

1 at the time to make those arguments in findings and  
2 conclusions.

3 But the point being is that I view this to be an  
4 exercise by the Bureau or Commissioner, whomever, to have the  
5 legal, have, have the, the fact that Tom engaged, Mr. Root  
6 engaged in activities that occurred maybe when he was an  
7 officer and a director even though he was not indicted or  
8 convicted until a later date. Some of these events may have  
9 occurred in November of '88 or '88, '89, '90. I'm not sure  
10 when all the events occurred. And this was a time when he was  
11 an officer and director of the corporation.

12 So what I'm saying is that to the extent that they  
13 relate back to a time period when Mr. Williamson was the  
14 general manager and operated the station I think all this is  
15 relevant as I did at the time for events have happened when  
16 Mr. Moore took over.

17 MS. LADEN: Your Honor, this question is discussed  
18 in the Marr Broadcasting case which I cited earlier. In there  
19 the Review Board cites from another case, West Jersey  
20 Broadcasting. And they say that you cannot -- a licensee into  
21 its molecular elements for a gratuitous adjudication on the  
22 discreet qualifications of individual shareholders.

23 I think Marr makes it clear that the licensee is one  
24 entity. And you cannot adjudicate the, the qualifications or  
25 character qualifications of the individual shareholders. And

1 I think that's what Petroleum V. Nasby is attempting to do  
2 here to distinguish between guilty shareholders perhaps or  
3 innocent shareholders. And I just don't think that the  
4 precedent supports that kind of adjudication.

5 JUDGE LUTON: Nasby would have absolutely no chance  
6 at all, would it, if the concern were solely with the conduct  
7 of one of the former shareholders, namely Mr. Root. There  
8 seems to be no dispute about what he did. He's presently  
9 incarcerated because of what he did, because of the things  
10 which in the Commission's mind raise character concerns.

11 If there can be no atomization as the Bureau views  
12 it, no distinction made between the licensee and Tom Root, the  
13 licensee hasn't a chance, has it? Matter is settled.

14 MS. LADEN: I, I'm not sure -- Your Honor, I  
15 wouldn't say that. Because I'm not rendering the decision in  
16 this case. Certainly the, the designation of issues like this  
17 presents an opportunity for the licensee perhaps to, to  
18 introduce evidence in mitigation, to introduce other  
19 exculpatory evidence. I'm not, I'm not in a position to say  
20 whether they have a chance or don't have a chance. I've, I've  
21 reviewed the cases and, and I believe that I have expressed  
22 the Commission's view on the subject --

23 JUDGE LUTON: All right.

24 MS. LADEN: -- issues that have come up here.

25 JUDGE LUTON: Okay. I understand that the, the --

1 | there would be no exculpatory evidence that the licensee could  
2 | offer. And I also understand that the licensee is not  
3 | attempting to offer exculpatory evidence.

4 |           Mitigation seems to me to be its effort. And yet it  
5 | seems that if it isn't permitted to at least attempt a  
6 | distinction between, to the extent that it's permissible to  
7 | speak this way, itself and Root, there's nothing that we can  
8 | do here.

9 |           MS. FARHAT: Your Honor --

10 |          JUDGE LUTON: I'm not --

11 |          MS. FARHAT: I'm sorry.

12 |          JUDGE LUTON: Go ahead.

13 |          MS. FARHAT: May I be heard on one more issue?

14 |          JUDGE LUTON: Yes.

15 |           MS. FARHAT: I'm sorry to, to take the time. But I  
16 | think it's absolutely critical to our position. In the cases  
17 | that Ms. Laden has cited, I haven't specifically reviewed  
18 | those. But -- and she can correct me if I'm wrong. But those  
19 | cases involve licensee misconduct by the licensee in  
20 | connection with the station that was the subject of the  
21 | misconduct.

22 |           For instance, you know, RKO or, or KQED is probably  
23 | a better example of a, of a case where the, the wrongdoing  
24 | involved a particular license, license to KQED in which the  
25 | principals of that licensee made misrepresentations to the

1 Commission concerning its programming operations. And that's  
2 totally different than the case here where the events that  
3 have occurred do not in any way reflect involvement on the  
4 part of the station in question, station WSWR.

5           So if you can never offer evidence to show any kind  
6 of discreet activity, then why are we even having a hearing?  
7 Why did they designate this case for hearing? They could have  
8 just designated I guess for a revocation proceeding. But the  
9 HDO speaks of the fact that we need to have a hearing.

10           I don't argue -- I don't object or and maybe even  
11 concede that the Commission has a right to determine whether  
12 or not character qualifications may be impacted upon by  
13 something that happened by a party or a former party to the  
14 application. I don't doubt that. What I do doubt is that you  
15 can actually restrict their effort to such a case that you  
16 could never offer ownership or, or control or management of  
17 the station and the involvement for the principals.

18           And in fact, I don't think that's Commission case  
19 law. There was a case in 1974 called Sande Broadcasting, Your  
20 Honor, in which one of the questions involved misconduct by a  
21 principal who extricated himself from the station prior to his  
22 convictions. And that was critical in the Commission's  
23 decision that there wasn't even a need at that time to have a  
24 hearing. Because they, they were familiar with the fact that  
25 the station wasn't part of the wrongdoing, that this person

1 | did, had another business that was connected.

2 |           I mean I don't mean to argue findings and  
3 | conclusions here. But the cases that have been cited I  
4 | believe by Ms. Laden involved direct licensee misconduct which  
5 | if this were a case that had other stations, finding of  
6 | misconduct even on matters related to one station doesn't  
7 | necessarily mean that we have to have findings of misconduct  
8 | compared in connection with all the other stations that that  
9 | entity owns.

10 |           So I just don't believe that it's the Commission  
11 | case law or the fairness and, and due process that would  
12 | restrict us from showing how the station has been operated --

13 |           JUDGE LUTON: It makes sense to me to permit some  
14 | showing of how the station is operated to show that the fine  
15 | hand of Mr. Root hasn't been at work in everything associated  
16 | with the station. I just don't have any difficulty with that.  
17 | It just makes sense to me.

18 |           We are presently talking about paragraphs 5, 6, 7,  
19 | 8. The objection is overruled. We are going to permit those  
20 | paragraphs. And additional objections?

21 |           MS. LADEN: Yes, Your Honor. I have the same  
22 | objection. I understand your ruling but I, I would like to  
23 | for the record state that I have the same objection to  
24 | paragraph 10.

25 |           JUDGE LUTON: How about 9?

1 MS. LADEN: Oh, I thought I had -- yes, also  
2 paragraph 9, Your Honor.

3 JUDGE LUTON: Okay.

4 MS. LADEN: And paragraph 10. Paragraph 11. I have  
5 the same objection that Your Honor just ruled on.

6 JUDGE LUTON: Okay.

7 MS. LADEN: With respect to paragraph 12, Your  
8 Honor, I have an objection. First of all, as Your Honor  
9 will -- community service is irrelevant. Even in mitigation  
10 programming evidence is inadmissible unless there's a  
11 meritorious programming issue. And in any event, our position  
12 is that programming would not mitigate the kind of misconduct  
13 involved here. Paragraph 12 is a mix of both kinds of  
14 evidence. And for that reason I object to it.

15 JUDGE LUTON: All right. I'm going to overrule the  
16 objections to 5 through 11 and receive that. Twelve I'm going  
17 to reject. I believe it is irrelevant. Fund raising,  
18 programming, whether or not that's sufficient to overcome the  
19 specified character issue isn't my concern. That only goes to  
20 the weight. I think it isn't even admissible -- it goes no  
21 way toward addressing a character issue.

22 The final thing that strikes me about the paragraph,  
23 the witness fully supports the renewal of the license. That's  
24 not evidence of a kind that, that I can consider in a  
25 proceeding such as this. Consequently, I'm going to grant the

1 motion for the reasons that I stated and strike 12.

2           The witness is available for cross-examination I  
3 take it?

4           MS. FARHAT: Yes, Your Honor.

5           JUDGE LUTON: Proceed, Bureau.

6           MS. LADEN: Thank you, Your Honor.

7                           CROSS-EXAMINATION

8           BY MS. LADEN:

9           Q     Good morning, Mr. Williamson.

10          A     Good morning.

11          Q     I'm Paulette Laden with the Mass Media Bureau. If  
12 you could turn to page 6 of your written testimony, in  
13 paragraph 10, you state that shareholder meetings and director  
14 meetings were held annually each May. Were those meetings  
15 held in Shelby, Ohio?

16          A     Generally.

17          Q     Generally how often were they -- how many were held  
18 outside of Shelby?

19          A     I don't recall that any specifically were.

20          Q     Did Thomas L. Root attend all of those meetings?

21          A     To the best of my recollection.

22          Q     And Thomas L. Root voted at all of those meetings?

23          A     To the best of my recollection.

24                   (Pause.)

25          MS. LADEN: I have no further questions. Thank you.

1 JUDGE LUTON: Okay. Redirect.

2 MS. FARHAT: Yes, Your Honor.

3 REDIRECT EXAMINATION

4 BY MS. FARHAT:

5 Q I believe you indicated to Ms. Laden that Mr. Root  
6 attended shareholder meetings. Was that during -- were those  
7 meetings during the time period that you served as president  
8 of Nasby?

9 A Yes.

10 Q Do you recall the last meeting that you attended?

11 A Annual meeting or shareholders' meeting? The last  
12 meeting that I attended was in March of '89. And that was not  
13 an annual meeting. I think it was a special shareholders'  
14 meeting.

15 Q I believe you indicated that Mr. Root voted on  
16 matters. What matters were voted on that you can recall?

17 A Whether to accept the report, the financial report.  
18 Whatever other issues that were brought -- we had election of,  
19 of officers. I guess that was director -- no, that was  
20 shareholders' meeting from time to time. I don't recall  
21 specific matters that we -- the general annual business of the  
22 shareholders' and directors' meetings if he were president. I  
23 believe he always was president. I believe he probably always  
24 voted on the issues.

25 Q Did other people attend these meetings?

1 A Yes.

2 Q Were there other directors who served besides you  
3 and Mr. Root?

4 A Yes.

5 Q And who were, who were they?

6 A Emma, Emma Sloane served as a director, an officer.  
7 Is that what you're asking?

8 Q Were day-to-day station operation matters voted on  
9 at these board meetings?

10 A No.

11 Q Were day-to-day station matters voted on at the  
12 shareholders' meeting?

13 A No.

14 MS. FARHAT: I have no further questions, Your  
15 Honor.

16 JUDGE LUTON: Recross.

17 RECROSS EXAMINATION

18 BY MS. LADEN:

19 Q Isn't it a fact that at those board meetings, at  
20 those meetings one of the things that was discussed was  
21 setting the general manager's salary?

22 A That was -- yes, that did happen.

23 MS. LADEN: I have no further questions.

24 JUDGE LUTON: Thank you, Mr. Williamson.

25 WITNESS: Thank you.

1 JUDGE LUTON: You may step down. Let's take a  
2 recess for lunch and return at 1 o'clock this afternoon. Does  
3 that cause you some discomfort?

4 MS. FARHAT: I have to learn to control my patience.  
5 Your Honor, I would just inquire if, if Ms. Laden didn't have  
6 a lot of questions for Mr. Adelman if it's possible to  
7 proceed. But I, I don't want to -- if you prefer to break for  
8 lunch, that's fine.

9 JUDGE LUTON: We can -- I won't ask Ms. Laden what  
10 she's got. She may need to see how things develop. But we  
11 can certainly get into the next witness if that's desirable.  
12 Let's see how things go. And if it gets to be too long, then  
13 we'll simply stop for a while.

14 Want to try that, Ms. Laden? Are you ready to  
15 proceed?

16 MS. LADEN: Yes, Your Honor.

17 JUDGE LUTON: Don't have to.

18 MS. LADEN: If it's -- I have some objections to Mr.  
19 Adelman's testimony. So --

20 JUDGE LUTON: Okay.

21 MS. LADEN: -- it depends on how you rule on the  
22 objections.

23 JUDGE LUTON: Right. I'm sure it would. Let's,  
24 let's then just take a, take a brief recess now and come back  
25 and try it some more. We'll recess for 10 minutes.